

Notice of Allowability

Application No.

09/828,913

Examiner

Thomas K Pham

Applicant(s)

KUJIRAI, YASUHIRO

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 12/29/2004.
2. ☒ The allowed claim(s) is/are 1,9 and 12-18.
3. ☒ The drawings filed on 4/10/01 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Reasons for Allowance

1. Claims 1, 9 and 12-18 are allowed.
2. The following is an examiner's statement of reasons for allowance:

While Nuttall (Patent No. 6,202,056) discloses a computer network for controlling distribution of copyright copies of recorded digital works such as audio, video etc... The system includes a distribution and usage reporting mechanism in response to authorizations and to reconciled data transfers for accurately calculating copyright royalties.

Clearwater (Patent No. 5,530,520) teaches a copyright revenue allocation system that identifies copyrighted works after they are copied. The copyright allocation service uses document signals representing the copied documents to determine whether the document copied is part of a copyrighted work, and, if so, identifies the owners of the copyrighted material. Identifiers associated with the document signals allows the system to track and record fees owned by each copying service.

And Bartolini ("Electronic Copyright Management Systems: Requirements, Players and Technologies" (ECMS)) teaches the main concepts which ECMS should be based on such as the requirements for a basic ECMS where the players including the author, copyright owners, service producer, service provider etc ... can be mapped into. In addition, the key technologies to be used for tracking and prevent copyright violations.

None of these references taken either alone or in combination discloses a method and device for copyright management which are capable of communicating via a network having all the claimed features of applicant's instant invention, specifically including: determining whether or not second copyright data related to the output data should be obtained from a copyright

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management apparatus in accordance with the information related to the effective limit date included in the first copyright data. From this determination result, a second copyright data is obtained from the copyright management apparatus. Additionally, the system processes the output data using one of an output condition included in the second copyright data or an output condition included in the first copyright data which obtained in accordance with the determination result. Also, there is no motivation to combine the references to meet these limitations. It is for these reasons that applicant's invention defines over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday to Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

TP

January 19, 2005


Anthony Knight
Supervisory Patent Examiner
Group 3600